

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ROADHAUS MOTORSPORT  
RONALD URBAN MUGNAINI,  
aka RONALD NUGNAINI, Owner**  
10638 Ramona Avenue  
Montclair, CA 91763-4119

Automotive Repair Dealer Registration  
No. ARD 125948  
Smog Check Station License  
No. RC 125948  
Official Lamp Station License No. LS 125948  
Official Brake Station License No. BS 125948

and

**RONALD MUGNAINI**  
16210 Suttles Drive  
Riverside, CA 92504

Advanced Emission Specialist Technician  
License No. EA 028104

Respondents.

Case No. 79/09-05

OAH Case No. 2008120808

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 7/20/09.

DATED: June 15, 2009

  
\_\_\_\_\_  
PATRICIA HARRIS  
Acting Chief Deputy Director  
Department of Consumer Affairs

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 SHAWN P. COOK, State Bar No. 117851  
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4 300 So. Spring Street, Suite 1702  
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6

Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 ROADHAUS MOTORSPORT; RONALD  
URBAN MUGNAINI  
13 16210 Suttles Drive  
Riverside, CA 92504  
14

Automotive Repair Dealer Registration No.  
15 ARD125948  
Smog Check Station No. RC125948  
16 Lamp Station License No. LS125948

17 Respondent.  
18

Case No. 79/09-05

O.A.H. No. L 2008120808

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive  
23 Repair. She brought this action solely in her official capacity and is represented in this matter by  
24 Edmund G. Brown Jr., Attorney General of the State of California, by Shawn P. Cook, Deputy  
25 Attorney General.

26 2. Respondent Roadhaus Motorsport; Ronald Urban Mugnaini Ronald Urban  
27 Mugnaini (Respondent) is representing himself in this proceeding and has chosen not to exercise  
28 his right to be represented by counsel.

1                   3.       On or about June 30, 1986, the Bureau of Automotive Repair issued  
2 Automotive Repair Dealer Registration No. ARD125948 to Roadhaus Motorsport; Ronald Urban  
3 Mugnaini (Respondent). The Automotive Repair Dealer Registration was in full force and effect  
4 at all times relevant to the charges brought in Accusation No. 79/09-05 and will expire on June  
5 30, 2009, unless renewed.

6                   4.       On or about July 28, 1994, the Bureau of Automotive Repair issued Smog  
7 Check Station License No. RC125948 to Roadhaus Motorsport; Ronald Urban Mugnaini  
8 (Respondent). The Smog Check Station License was in full force and effect at all times relevant  
9 to the charges brought in Accusation No. 79/09-05 and will expire on June 30, 2009, unless  
10 renewed.

11                   5.       On or about July 28, 1994, the Bureau of Automotive Repair issued  
12 Advanced Emission Specialist Technician License No. EA028104 to Ronald Urban Mugnaini  
13 (Respondent). The Advanced Emission Specialist Technician License was in full force and  
14 effect at all times relevant to the charges brought in Accusation No. 79/09-05 and will expire on  
15 June 30, 2009, unless renewed.

16                   6.       On or about February 23, 1998, the Bureau of Automotive Repair issued  
17 *Brake Station License No. BS125948 Rm*  
*and* Lamp Station License No. LS125948 to Roadhaus Motorsport; Ronald Urban Mugnaini  
18 *Brake Station License and Rm*  
(Respondent). The Lamp Station License was in full force and effect at all times relevant to the  
19 charges brought in Accusation No. 79/09-05 and will expire on June 30, 2009, unless renewed.

#### 20                                   JURISDICTION

21                   7.       Accusation No. 79/09-05 was filed before the Director of Consumer  
22 Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending  
23 against Respondent. The Accusation and all other statutorily required documents were properly  
24 served on Respondent on November 12, 2008. Respondent timely filed his Notice of Defense  
25 contesting the Accusation. Accusation No. 79/09-05 is incorporated herein by reference as  
26 though attached hereto.

#### 27                                   ADVISEMENT AND WAIVERS

28                   8.       Respondent has carefully read, and understands the charges and allegations

1 in Accusation No. 79/09-05. Respondent has also carefully read, and understands the effects of  
2 this Stipulated Settlement and Disciplinary Order.

3 9. Respondent is fully aware of his legal rights in this matter, including the  
4 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
5 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
6 the right to present evidence and to testify on his own behalf; the right to the issuance of  
7 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
8 reconsideration and court review of an adverse decision; and all other rights accorded by the  
9 California Administrative Procedure Act and other applicable laws.

10 10. Respondent voluntarily, knowingly, and intelligently waives and gives up  
11 each and every right set forth above.

#### 12 CULPABILITY

13 11. Respondent admits the truth of each and every charge and allegation in  
14 Accusation No. 79/09-05.

15 12. Respondent agrees that his Automotive Repair Dealer Registration; his  
16 Smog Check Station License; his Advanced Emission Specialist Technician License; and his  
17 Lamp Station License *and his Brake Station License (CC) RM* are each and all subject to discipline and he agrees to be bound by the  
18 Director of Consumer Affairs (Director) 's imposition of discipline as set forth in the Disciplinary  
19 Order below.

#### 20 RESERVATION

21 13. The admissions made by Respondent herein are only for the purposes of  
22 this proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of  
23 Automotive Repair, or other professional licensing agency is involved, and shall not be  
24 admissible in any other criminal or civil proceeding.

#### 25 CONTINGENCY

26 14. This stipulation shall be subject to approval by the Director of Consumer  
27 Affairs or her designee. Respondent understands and agrees that counsel for Complainant and  
28 the staff of the Bureau of Automotive Repair may communicate directly with the Director and

1 staff of the Department of Consumer Affairs regarding this stipulation and settlement, without  
2 notice to or participation by Respondent. By signing the stipulation, Respondent understands and  
3 agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time  
4 the Director considers and acts upon it. If the Director fails to adopt this stipulation as the  
5 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
6 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
7 and the Director shall not be disqualified from further action by having considered this matter.

8 15. The parties understand and agree that facsimile copies of this Stipulated  
9 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
10 force and effect as the originals.

11 16. In consideration of the foregoing admissions and stipulations, the parties  
12 agree that the Director may, without further notice or formal proceeding, issue and enter the  
13 following Disciplinary Order:

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No.  
16 ARD125948 issued to Respondent; Smog Check Station License No. RC125948 issued to  
17 Respondent; Advanced Emission Specialist Technician License No. EA028104 issued to  
18 Respondent; and Lamp Station License No. LS125948 issued to Respondent Ronald Urban, *and Brake Station License No. BS 125948*  
19 d.b.a. Roadhaus Motorsport (Respondent) are each and all revoked. However, the revocation is  
20 stayed only as to Automotive Repair Dealer Registration No. ARD125948 issued to Respondent  
21 and Lamp Station License No. LS125948 issued to Respondent. Respondent is placed on  
22 probation for three (3) years as to Automotive Repair Dealer Registration No. ARD125948 and  
23 Lamp Station License No. LS125948 on the following terms and conditions. *and Brake Station License No. BS 125948*

24 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
25 automotive inspections, estimates and repairs.

26 2. **Reporting.** Respondent or Respondent's authorized representative must  
27 report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule

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1 set by the Bureau, but no more frequently than each quarter, on the methods used and success  
2 achieved in maintaining compliance with the terms and conditions of probation.

3                   3.     **Report Financial Interest.** Within 30 days of the effective date of this  
4 action, report any financial interest which any partners, officers, or owners of the Respondent  
5 facility may have in any other business required to be registered pursuant to Section 9884.6 of the  
6 Business and Professions Code.

7                   4.     **Random Inspections.** Provide Bureau representatives unrestricted access  
8 to inspect all vehicles (including parts) undergoing repairs, up to and including the point of  
9 completion.

10                  5.     **Jurisdiction.** If an accusation is filed against Respondent during the term  
11 of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
12 until the final decision on the accusation, and the period of probation shall be extended until such  
13 decision.

14                  6.     **Violation of Probation.** Should the Director of Consumer Affairs  
15 determine that Respondent has failed to comply with the terms and conditions of probation, the  
16 Department may, after giving notice and opportunity to be heard temporarily or permanently  
17 invalidate the registration and suspend or revoke the license *SC RM*

18                  7.     **Cost Recovery.** Payment to the Bureau of the full amount of cost  
19 recovery in the amount of \$8,373.37 shall be received no later than 6 months before probation  
20 terminates. Failure to complete payment of cost recovery within this time frame shall constitute  
21 a violation of probation which may subject Respondent's Automotive Repair Dealer Registration  
22 and Lamp Station License *and Brake Station License SC RM* to outright revocation; however, the Director or the Director's Bureau  
23 of Automotive Repair designee may elect to continue probation until such time as reimbursement  
24 of the entire cost recovery amount has been made to the Bureau.

25                                   ACCEPTANCE

26                   I have carefully read the Stipulated Settlement and Disciplinary Order. I  
27 understand the stipulation and the effect it will have on my Automotive Repair Dealer

28 Registration, and Smog Check Station, and Lamp Station License. I enter into this Stipulated

*and Brake Station License*

1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
2 bound by the Decision and Order of the Director of Consumer Affairs.

3  
4 DATED: 29 MAY 2009.

5  
6   
7 RONALD URBAN MUGNAINI, d.b.a. ROADHAUS  
MOTORSPORT;

8 Respondent

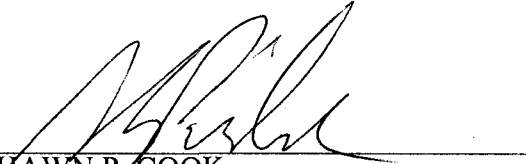
9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
11 submitted for consideration by the Director of Consumer Affairs.

12  
13 DATED: 29 May 2009

14 EDMUND G. BROWN JR., Attorney General  
of the State of California

15 MARC D. GREENBAUM  
16 Supervising Deputy Attorney General

17  
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19 SHAWN P. COOK  
20 Deputy Attorney General

21 Attorneys for Complainant

22 DOJ Matter ID: LA2008900306  
23 60419361.wpd  
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**Exhibit A**  
**Accusation No. 79/09-05**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 GREGORY J. SALUTE, State Bar No. 164015  
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6 Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 79/09-05

12 ROADHAUS MOTORSPORT  
RONALD URBAN MUGNAINI,  
13 a.k.a. RONALD MUGNAINI, OWNER  
10638 Ramona Avenue  
14 Montclair, CA 91763-4119

**A C C U S A T I O N**

**SMOG CHECK**

15 Automotive Repair Dealer Reg. No. ARD 125948  
Smog Check Station License No. RC 125948  
16 Official Lamp Station License No. LS 125948  
Official Brake Station License No. BS 125948  
17

18 and

19 RONALD MUGNAINI  
16210 Suttles Drive  
Riverside, CA 92504

20 Advanced Emission Specialist Technician License  
21 No. EA 028104

22 Respondents.  
23

24 Complainant alleges:

25 **PARTIES**

26 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official  
27 capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer  
28 Affairs.

1                   **Roadhaus Motorsport:**

2                   2.       On or about June 30, 1986, the Director of Consumer Affairs ("Director")  
3 issued Automotive Repair Dealer Registration Number ARD 125948 to Ronald Urban Mugnaini,  
4 also known as Ronald Mugnaini ("Respondent"), owner of Roadhaus. Between July 18, 1994,  
5 and June 30, 1995, Respondent's business name was changed to Roadhaus Motorsport.  
6 Respondent's automotive repair dealer registration was in full force and effect at all times  
7 relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

8                   3.       On or about July 28, 1994, the Director issued Smog Check Station  
9 License Number RC 125948 to Respondent. Respondent's smog check station license was in  
10 full force and effect at all times relevant to the charges brought herein and will expire on June 30,  
11 2009, unless renewed.

12                  4.       On or about February 23, 1998, the Director issued Official Lamp Station  
13 License Number LS 125948 to Respondent. Respondent's lamp station license was in full force  
14 and effect at all times relevant to the charges brought herein and will expire on June 30, 2009,  
15 unless renewed.

16                  5.       On or about February 23, 1998, the Director issued Official Brake Station  
17 License Number BS 125948 to Respondent. Respondent's brake station license was in full force  
18 and effect at all times relevant to the charges brought herein and will expire on June 30, 2009,  
19 unless renewed.

20                   **Ronald Mugnaini:**

21                  6.       In or about 1996, the Director issued Advanced Emission Specialist  
22 Technician License Number EA 028104 to Respondent. Respondent's advanced emission  
23 specialist technician license was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on April 30, 2010, unless renewed.

25                               **JURISDICTION**

26                  7.       Business and Professions Code ("Bus. & Prof. Code") section 9884.7  
27 provides that the Director may invalidate an automotive repair dealer registration.

28       ///

1           8.     Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the  
2 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a  
3 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a  
4 registration temporarily or permanently.

5           9.     Bus. & Prof. Code section 9889.1 provides, in pertinent part, that the  
6 Director may suspend or revoke any license issued under Articles 5 and 6 (commencing with  
7 section 9887.1) of the Automotive Repair Act.

8           10.    Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the  
9 expiration or suspension of a license by operation of law or by order or decision of the Director  
10 or a court of law, or the voluntary surrender of a license shall not deprive the Director of  
11 jurisdiction to proceed with any disciplinary proceedings.

12           11.    Health and Safety Code ("Health & Saf. Code") section 44002 provides,  
13 in pertinent part, that the Director has all the powers and authority granted under the Automotive  
14 Repair Act for enforcing the Motor Vehicle Inspection Program.

15           12.    Health & Saf. Code section 44072.6 provides, in pertinent part, that the  
16 expiration or suspension of a license by operation of law, or by order or decision of the Director  
17 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
18 the Director of jurisdiction to proceed with disciplinary action.

19                           **STATUTORY PROVISIONS**

20           13.    Bus. & Prof. Code section 9884.7 states, in pertinent part:

21                   (a) The director, where the automotive repair dealer cannot show there  
22 was a bona fide error, may refuse to validate, or may invalidate temporarily or  
23 permanently, the registration of an automotive repair dealer for any of the  
24 following acts or omissions related to the conduct of the business of the  
automotive repair dealer, which are done by the automotive repair dealer or any  
automotive technician, employee, partner, officer, or member of the automotive  
repair dealer.

25                   (1) Making or authorizing in any manner or by any means whatever any  
26 statement written or oral which is untrue or misleading, and which is known, or  
27 which by the exercise of reasonable care should be known, to be untrue or  
misleading.

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(4) Any other conduct which constitutes fraud.

....

(c) Notwithstanding subdivision (b), the director may refuse to validate, or may invalidate temporarily or permanently, the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

14. Bus. & Prof. Code section 9889.3 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

....

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured . . .

15. Bus. & Prof. Code section 9889.9 states that “[w]hen any license has been revoked or suspended following a hearing under the provisions of this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

16. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency”, and that a “license” includes “registration” and “certificate.”

17. Health & Saf. Code section 44072.2 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

....

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1 (c) Violates any of the regulations adopted by the director pursuant to  
2 this chapter.

3 (d) Commits any act involving dishonesty, fraud, or deceit whereby  
4 another is injured . . .

5 18. Health & Saf. Code section 44072.10 states, in pertinent part:

6 . . . .

7 (c) The department shall revoke the license of any smog check technician  
8 or station licensee who fraudulently certifies vehicles or participates in the  
9 fraudulent inspection of vehicles. A fraudulent inspection includes, but is not  
10 limited to, all of the following:

11 (1) Clean piping, as defined by the department . . .

12 19. California Code of Regulations, title 16, section 3340.41.5 states, in  
13 pertinent part:

14 A tampered emissions control system is an emissions control system  
15 which is missing, modified or disconnected. An emissions control system which  
16 has a missing, modified, or disconnected emissions related component is also  
17 deemed a tampered emissions control system. For purposes of the visual emission  
18 control system inspection pursuant to Health and Safety Code Section 44012(a),  
19 the terms missing, modified and disconnected are defined as follows:

20 (a) Missing. A missing emissions control system or component is one  
21 which has been removed from the vehicle or engine.

22 (b) Modified. An emissions control system is deemed to have been  
23 modified if:

24 (1) the system has been disabled, even though it is present and properly  
25 connected to the engine and/or vehicle;

26 (2) an emissions related component of the system has been replaced by a  
27 component not marketed by its manufacturer for street use on the vehicle; or

28 (3) an emissions related component of the system has been changed such  
that there is no capacity for connection with or operation of other emissions  
control components or systems . . .

20. Health & Saf. Code section 44072.8 states that when a license has been  
revoked or suspended following a hearing under this article, any additional license issued under  
this chapter in the name of the licensee may be likewise revoked or suspended by the director.

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1 Cost Recovery

2 21. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board  
3 may request the administrative law judge to direct a licentiate found to have committed a  
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
5 investigation and enforcement of the case.

6 CONSUMER COMPLAINT (HENDRICKSON): 1977 TOYOTA LAND CRUISER

7 22. On or about July 2, 2007, consumer Everett Hendrickson ("Hendrickson")  
8 purchased a 1977 Toyota Land Cruiser from Edwin Aguilar ("Aguilar") for \$5,701 through the  
9 eBay Internet auction site. The information posted on eBay indicated that the factory installed  
10 Toyota 6-cylinder engine on the vehicle had been replaced with a Chevrolet 350 V-8 engine.

11 23. On or about July 5, 2007, Hendrickson took possession of the vehicle from  
12 Aguilar. Aguilar gave Hendrickson a vehicle inspection report and stated that the vehicle had  
13 passed a smog inspection that day.

14 24. On or about July 6, 2007, Hendrickson reviewed the vehicle inspection  
15 report and noted that the engine size was listed as "4.2L" and that the unit was described as a  
16 6-cylinder engine. Hendrickson contacted the Bureau and spoke with Bureau Representative  
17 Gerald Gean ("Gean"). Hendrickson told Gean he was concerned that the vehicle may have been  
18 illegally smugged. Gean made arrangements to have the vehicle inspected at the Consumer  
19 Assistance and Referee Center ("CARC").

20 25. On or about July 9, 2007, Bureau Representative Raymond Gottenbos  
21 ("Gottenbos") reviewed information from the Bureau's vehicle information database ("VID").  
22 The VID data indicated that Respondent had performed a smog inspection on the vehicle on July  
23 5, 2007, resulting in the issuance of electronic smog Certificate of Compliance # MS399850C for  
24 the vehicle.

25 26. On July 10, 2007, Gean met with Hendrickson at CARC and inspected the  
26 vehicle. Gean confirmed that the vehicle was equipped with a V-8 engine. A smog inspection  
27 was performed on the vehicle by a referee technician. Hendrickson was later informed that the

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vehicle did not pass the inspection due to modified and missing emission control equipment and that the tailpipe emissions exceeded the gross polluter<sup>1</sup> limits.

27. On September 11, 2007, Bureau Representatives Gottenbos and Randall Herbst ("Herbst") went to Roadhaus Motorsport and met with Respondent. Respondent gave Gottenbos Invoice # 3042, dated July 5, 2007, which had allegedly been signed by Aguilar, and a vehicle inspection report dated July 5, 2007. Respondent indicated that he performed a smog inspection on the vehicle. During further discussion with Gottenbos and Herbst, Respondent admitted that the 1977 Toyota Land Cruiser was not present when he performed the smog inspection and that he used a different vehicle for the emissions portion of the inspection, a method known as clean-piping<sup>2</sup>. Respondent also admitted that he created Invoice # 3042 at a later date when Aguilar contacted him, stating that the buyer of the vehicle (Hendrickson) was creating a problem. Respondent stated that Aguilar did not sign the invoice, that Aguilar did not bring the 1977 Toyota Land Cruiser to his facility, only the Department of Motor Vehicle registration document, and that Aguilar paid him \$100 for the inspection when his normal price for the inspection was \$58.75.

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

28. Respondent's automotive repair dealer registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent certified under penalty of perjury on the vehicle inspection report that he performed the smog inspection on the 1977 Toyota Land Cruiser in accordance

1. Pursuant to Health & Saf. Code section 39032.5, "gross polluter" means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions as established by the department in consultation with the state board.

2. Pursuant to California Code of Regulations, title 16, section 3340.1, “clean piping” means the use of a sample of the exhaust emissions of one vehicle in order to cause the Test Analyzer System or Emissions Inspection System to issue a certificate of compliance for another vehicle.

1 with all Bureau requirements. In fact, Respondent used clean-piping methods in order to issue a  
2 certificate for the vehicle and did not test or inspect the vehicle as required by Health & Saf.  
3 Code section 44012.

4           b.       Respondent certified under penalty of perjury on the vehicle inspection  
5 report that the 1977 Toyota Land Cruiser had passed inspection and was in compliance with  
6 applicable laws and regulations. In fact, the positive crankcase ventilation system, ignition spark  
7 controls, carburetor, and vacuum line connections to the sensors and switches were modified or  
8 in a modified condition, in addition to other emission related components; the thermostatic air  
9 cleaner, fuel evaporative controls, exhaust gas recirculation system, and air pump system were  
10 missing; the ignition timing was in a failing condition; and the exhaust emissions were at gross  
11 polluter levels. As such, the vehicle would not pass the inspection required by Health & Saf.  
12 Code section 44012.

13           c.       Respondent certified under penalty of perjury on the vehicle inspection  
14 report that the 1977 Toyota Land Cruiser was equipped with a 4.2 liter engine with 6 cylinders.  
15 In fact, the original factory installed Toyota 6-cylinder engine had been replaced with a Chevrolet  
16 350 V-8 engine.

17           d.       Respondent represented on Invoice # 3042 dated July 5, 2007, that a smog  
18 check had been performed on the 1977 Toyota Land Cruiser at a cost of \$58. In fact, a smog  
19 inspection had not been performed on the vehicle and Aguilar had paid Respondent \$100 to  
20 illegally certify the vehicle.

## 21                                   **SECOND CAUSE FOR DISCIPLINE**

### 22                                   **(Fraud)**

23           29.       Respondent's automotive repair dealer registration is subject to  
24 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that  
25 Respondent committed an act which constitutes fraud, as follows: Respondent issued an  
26 electronic smog certificate of compliance for the 1977 Toyota Land Cruiser without performing a  
27 bona fide inspection of the emission control devices and systems on the vehicle, thereby

28   ///

1 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
2 Inspection Program.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit)**

5 30. Respondent's lamp station and brake station licenses are subject to  
6 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that  
7 Respondent committed an act involving dishonesty, fraud, or deceit whereby another was  
8 injured, as set forth in paragraph 29 above.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Violations of the Motor Vehicle Inspection Program)**

11 31. Respondent's smog check station license is subject to disciplinary action  
12 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to  
13 comply with provisions of that Code, as follows:

- 14 a. **Section 44012:** Respondent failed to perform the emission control tests  
15 on the 1977 Toyota Land Cruiser in accordance with procedures  
16 prescribed by the department.
- 17 b. **Section 44015:** Respondent issued an electronic smog certificate of  
18 compliance for the 1977 Toyota Land Cruiser without properly testing  
19 and inspecting the vehicle to determine if it was in compliance with Health  
20 & Saf. Code section 44012.
- 21 c. **Section 44015, subdivision (a)(1):** Respondent issued an electronic  
22 smog certificate of compliance for the 1977 Toyota Land Cruiser when, in  
23 fact, the emissions control system on the vehicle had been illegally  
24 modified or tampered with, as set forth in subparagraph 28 (b) above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**  
3 **to the Motor Vehicle Inspection Program)**

4 32. Respondent's smog check station license is subject to disciplinary action  
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to  
6 comply with provisions of California Code of Regulations, title 17, as follows:

- 7 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
8 issued an electronic smog certificate of compliance for the 1977 Toyota  
9 Land Cruiser.
- 10 b. **Section 3340.35, subdivision (c):** Respondent issued an electronic  
11 smog certificate of compliance for the 1977 Toyota Land Cruiser even  
12 though the vehicle had not been inspected in accordance with section  
13 3340.42.
- 14 c. **Section 3340.41, subdivision (c):** Respondent entered false information  
15 into the Emission Inspection System by entering vehicle identification  
16 information or emission control system identification data for a vehicle  
17 other than the one being tested.
- 18 d. **Section 3340.42:** Respondent failed to conduct the required smog tests  
19 on the 1977 Toyota Land Cruiser in accordance with the Bureau's  
20 specifications.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit)**

23 33. Respondent's smog check station license is subject to disciplinary action  
24 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
25 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog  
26 certificate of compliance for the 1977 Toyota Land Cruiser without performing a bona fide  
27 inspection of the emission control devices and systems on the vehicle, thereby depriving the

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1 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
2 Program.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 34. Respondent's advanced emission specialist technician license is subject to  
6 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that  
7 Respondent failed to comply with provisions of that Code, as follows:

- 8 a. **Section 44012:** Respondent failed to perform the emission control tests  
9 on the 1977 Toyota Land Cruiser in accordance with procedures  
10 prescribed by the department.  
11 b. **Section 44059:** Respondent willfully made false entries on the vehicle  
12 inspection report, as set forth in subparagraphs 28 (a) through (c) above.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant  
15 to the Motor Vehicle Inspection Program)**

16 35. Respondent's advanced emission specialist technician license is subject to  
17 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in  
18 that Respondent failed to comply with provisions of California Code of Regulations, title 17, as  
19 follows:

- 20 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
21 issued an electronic smog certificate of compliance for the 1977 Toyota  
22 Land Cruiser.  
23 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test  
24 the 1977 Toyota Land Cruiser in accordance with Health & Saf. Code  
25 sections 44012 and 44035, and California Code of Regulations, title 17,  
26 section 3340.42.  
27 c. **Section 3340.41, subdivision (c):** Respondent entered false information  
28 into the Emission Inspection System by entering vehicle identification

1 information or emission control system identification data for a vehicle  
2 other than the one being tested.

- 3 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
4 the 1977 Toyota Land Cruiser in accordance with the Bureau's  
5 specifications.

6 **NINTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 36. Respondent's advanced emission specialist technician license is subject to  
9 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that  
10 Respondent committed a dishonest, fraudulent or deceitful act whereby another is injured by  
11 issuing an electronic smog certificate of compliance for the 1977 Toyota Land Cruiser without  
12 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
13 thereby depriving the People of the State of California of the protection afforded by the Motor  
14 Vehicle Inspection Program.

15 **OTHER MATTERS**

16 37. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the  
17 Director may refuse to validate, or may invalidate temporarily or permanently, the registrations  
18 for all places of business operated in this state by Respondent Ronald Urban Mugnaini, also  
19 known as Ronald Mugnaini, owner of Roadhaus Motorsport, upon a finding that said Respondent  
20 has, or is, engaged in a course of repeated and willful violations of the laws and regulations  
21 pertaining to an automotive repair dealer.

22 38. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station  
23 License Number RC 125948, issued to Respondent Ronald Urban Mugnaini, also known as  
24 Ronald Mugnaini, owner of Roadhaus Motorsport, is revoked or suspended, any additional  
25 license issued under this chapter in the name of said licensee may be likewise revoked or  
26 suspended by the Director.

27 39. Pursuant to Bus. & Prof. Code section 9889.9, if Official Lamp Station  
28 License Number LS 125948 and/or Official Brake Station License Number BS 125948, issued to

Respondent Ronald Urban Mugnaini, also known as Ronald Mugnaini, owner of Roadhaus Motorsport, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

40. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist Technician License Number EA 028104, issued to Respondent Ronald Urban Mugnaini, also known as Ronald Mugnaini, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

## P R A Y E R

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Temporarily or permanently invalidating Automotive Repair Dealer Registration Number ARD 125948, issued to Ronald Urban Mugnaini, also known as Ronald Mugnaini, owner of Roadhaus Motorsport;

2. Temporarily or permanently invalidating any other automotive repair dealer registration issued to Ronald Urban Mugnaini, also known as Ronald Mugnaini;

3. Revoking or suspending Smog Check Station License Number RC 125948, issued to Ronald Urban Mugnaini, also known as Ronald Mugnaini, owner of Roadhaus Motorsport;

4. Revoking or suspending Advanced Emission Specialist Technician License Number EA 028104, issued to Ronald Urban Mugnaini, also known as Ronald Mugnaini;

5. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Ronald Urban Mugnaini, also known as Ronald Mugnaini;

6. Revoking or suspending Official Lamp Station License Number LS 125948, issued to Ronald Urban Mugnaini, also known as Ronald Mugnaini, owner of Roadhaus Motorsport;

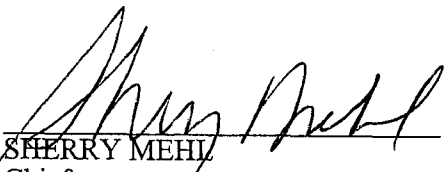
1                   7.       Revoking or suspending Official Brake Station License Number  
2 BS 125948, issued to Respondent Ronald Urban Mugnaini, also known as Ronald Mugnaini,  
3 owner of Roadhaus Motorsport;

4                   8.       Revoking or suspending any additional license issued under Articles  
5 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Ronald Urban  
6 Mugnaini, also known as Ronald Mugnaini;

7                   9.       Ordering Respondent Ronald Urban Mugnaini, also known as Ronald  
8 Mugnaini, individually and as owner of Roadhaus Motorsport, to pay the Director of Consumer  
9 Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to  
10 Business and Professions Code section 125.3;

11                  10.       Taking such other and further action as deemed necessary and proper.

12 DATED: 7/28/08.

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15 ~~SHERRY MEHL~~  
16 Chief  
17 Bureau of Automotive Repair  
18 Department of Consumer Affairs  
19 State of California

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27 Complainant

28 03562-110-LA2008900306  
phd; 07/15/2008